

DECLARATION OF JEFFERSON YS YANG

I, Jefferson YS Yang, declare as follows:

1. I am the inventor of an invention entitled DIAPHRAGM PUMP AND ANODE STREAM RECIRCULATION SYSTEM USING SUCH PUMP FOR A FUEL CELL. I conceived and developed the invention at Orange, California, U.S.A. The invention is assigned to Pacific Fuel Cell Technologies, Ltd. of Taipei, Taiwan, R.O.C.

2. Asia Pacific Fuel Cell and I retained the firm of Lee and Li, Attorneys-at-Law, Taipei, Taiwan, R.O.C., to prepare and submit patent applications based upon my invention.

3. I disclosed my invention to the representatives of Lee and Li for filing in Taiwan, R.O.C. and the People's Republic of China, P.R.C. Lee and Li filed Application No. 090120011 in Taiwan, R.O.C. on August 15, 2001, based upon my disclosure. Lee and Li filed Application No. 01124277.9 in the People's Republic of China, P.R.C. on August 23, 2001, based upon my disclosure.

4. I did not know that obtaining a foreign filing license from the United States Patent and Trademark Office before filing the applications in foreign countries was necessary.

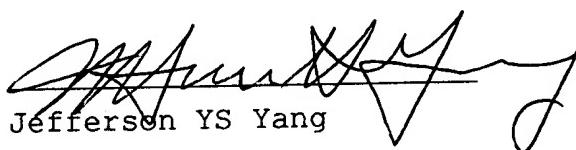
5. The subject matter in question was not under a secrecy order at the time of filing in Taiwan, R.O.C. or the People's Republic of China, P.R.C., and the subject matter is not currently under a secrecy order.

6. Since the error in filing foreign applications without a foreign filing license was discovered on or about August 24, 2001, I have diligently sought a retroactive foreign filing license.

7. The errors described herein occurred through inadvertence and without any deceptive intent on my part.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/08/01  
Date

  
Jefferson YS Yang